

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2008 JAN 17 AM 10:13

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA)

v.)

) Case No. 4:02CR3075-2

)

CRUZ ROBERTO ALANIZ)

Defendant.)

OFFICE OF THE CLERK

ORDER

BEFORE THE COURT is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. §3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Cruz Roberto Alaniz, to time served, and commencement of a five-year term of supervised release previously imposed. The Court finds:

1. Cruz Roberto Alaniz was convicted of one count of violating 21 U.S.C. §846, Conspiracy to Distribute and Possess with the Intent to Distribute Methamphetamine.

2. He was sentenced on February 4, 2003, in the United States District Court for the District of Nebraska, to a 121-month term of imprisonment followed by a five-year term of supervised release.

3. His projected release date is October 4, 2011, via Good Conduct Time. Mr. Alaniz is not expected to survive to that date.

4. Mr. Alaniz, age 59, has been diagnosed with metastatic adenocarcinoma of the lower colon. On June 6, 2006, he underwent partial colon resection and resection of the left lobe of the liver. He has sustained multiple lesions in the brain, and has developed new liver nodules and metastasis to the prostate. He has failed to respond to multiple chemotherapy regimens. His prognosis is poor, and his life expectancy is estimated at less than six months. He requires assistance with his Activities of Daily Living due to decreased mobility.

5. Title 18 U.S.C. §3582(c)(1)(A)(i) authorizes the Court, upon motion of the Director of the Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Bureau of Prisons contends, and this Court agrees, that the defendant's terminal medical condition and limited life expectancy constitute extraordinary and compelling reasons that

warrant the requested reduction.

IT IS THEREFORE ORDERED that the defendant's term of imprisonment is hereby reduced to the time he has already served.

IT IS FURTHER ORDERED that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made.

IT IS FURTHER ORDERED that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving a five-year term of supervised release previously imposed.

DONE AND ORDERED THIS 17th DAY OF JANUARY 2008.



Richard G. Kopf, Judge
UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA